

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CIVIL ACTION NO. 1:12cv905 (WOB-MRM)

JAMES ANTONIO CAPELL

PETITIONER

VS.

JUDGMENT

WARDEN, LONDON  
CORRECTIONAL INSTITUTION

RESPONDENT

This matter is before the Court on the Report and Recommendation of the United States Magistrate Judge (Doc. 12), and having considered *de novo* those objections filed thereto by Petitioner (Doc. 15), and the Court having sufficiently considered the matter, and being advised,

**IT IS ORDERED AND ADJUDGED** that the objections be, and they hereby are, **overruled**; that the Report and Recommendation be, and it hereby is, **adopted** as the finding of fact and conclusions of law of this Court; that the Petition for a Writ of Habeas Corpus (Doc. #2), pursuant to 28 U.S.C. 2254 be, and it hereby is, **denied with prejudice**, and this matter is hereby **dismissed with prejudice** from the docket of this court. A certificate of appealability shall not issue with respect to any of the claims alleged herein. Pursuant to 28 U.S.C. § 1915(a)(3), any appeal of this judgment would not be taken in “good faith.”

This 21st day of May, 2014.



Signed By:

William O. Bertelsman WOB

United States District Judge